

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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Southern District of New York
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December 18, 2019

VIA ECF

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Daniel Egipciaco, 05 Cr. 202 (JGK), 16 Cv. 5024 (JGK)

Dear Judge Koeltl:

I write to request that the Court authorize the return to Mr. Egipciaco of the \$100 special assessment he paid on the now-vacated Count Three.

On September 4, 2019, the Court granted the government's motion to vacate Mr. Egipciaco's conviction on Count 3 in light of the Supreme Court's decision in United States v. Davis, 139 S. Ct. 2319 (2019). The Court resentenced Mr. Egipciaco to time served on the remaining two counts. The Court subsequently entered an amended judgment in the case, which included as part of Mr. Egipciaco's sentence, a \$200 special assessment. Before the Court vacated his conviction on Count Three, Mr. Egipciaco already had paid a \$300 special assessment, which included a \$100 special assessment on the now-vacated count. In consequence, the defense respectfully requests that the Court authorize the refund to Mr. Egipciaco of the \$100 special assessment on the vacated count.

Thank you for your time and attention to this matter.

Respectfully Submitted,

USDC SDNY
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DOC#
DATE FILED: 12/19/19

/s/

Peggy Cross-Goldenberg
Assistant Federal Defender
212-417-8732

cc: AUSA Andrew Dember

APPLICATION GRANTED
SO ORDERED

John G. Koeltl
12/19/19
John G. Koeltl, U.S.D.J.